

the Insurance Code, same being Acts of the 52nd Legislature, Regular Session (1951), Chapter 491, page 868, as last amended by Acts of the 55th Legislature, Regular Session (1957), Chapter 499, page 1454; repealing all laws and parts of laws in conflict with the provisions of this act to the extent of such conflict only; providing for a severability and savings clause as to any invalid provisions of this act, and declaring an emergency."

To the Committee on Insurance.

Adjournment

On motion of Senator Hardeman the Senate at 12:18 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

NINTH DAY

(Thursday, July 9, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by Senator Hardeman.

The roll was called and the following senators were present:

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Rogers

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"We pray, Our Father, that Thou wilt supplement our knowledge with Thy wisdom. The problems of this Senate and the world are too big for finite minds. Teach us that it is not

by might, nor by power, but by Thy spirit, we are to find rest from our labors. We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Rogers was granted leave of absence for today in order that he might assume his duties as Governor-for-the-Day on motion of Senator Aikin.

Senate Resolution 54

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate former Senator Ben G. Oneal and Mrs. Oneal, both prominent citizens of Wichita Falls, and

Whereas, The Honorable Ben G. Oneal served in the Texas Senate from 1931 to 1939, and was Acting Governor of the State for a brief period in 1937, and is now a prominent practicing attorney in Wichita Falls, and

Whereas, Mrs. Ben G. Oneal is a prominent civic leader in Wichita Falls, being the dean of the former presidents of the Wichita Falls Woman's Forum, and also a past State President of the Texas Garden Clubs, Incorporated, and

Whereas, We desire to welcome these distinguished Texas citizens to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Moffett by unanimous consent presented former Senator Oneal to the Members of the Senate.

Senate Resolution 56

Senator Roberts offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Lowell

H. Leberman, Jr., of Commerce, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Roberts by unanimous consent presented Mr. Leberman to the Members of the Senate.

Senate Concurrent Resolution 6

Senator Martin offered the following resolution:

S. C. R. No. 6, Relating to availability of space in East and West wings of Capitol for use of the Senate and House of Representatives.

Whereas, Construction of the new State Office Building and State Courts Building is nearing completion and these buildings are expected to be occupied within the near future; and

Whereas, Various State agencies and departments soon will move to these new quarters, vacating space which they are presently occupying in the State Capitol Building and relieving long-existing congestion in the Capitol Building; and

Whereas, By tradition and for practical purposes, offices of the Legislative branch of the State Government occupy space near the Chambers of the House of Representatives and the Senate in the State Capitol, although heretofore the scarcity of space has made such office facilities wholly inadequate; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that on availability of space in the State Capitol Building as a result of the forthcoming removal of various agencies and departments to their new quarters, the space so vacated be reserved for Legislative offices, with space in the East wing of the Capitol Building to be occupied by the Senate, and space in the West wing to be occupied by the House of Representatives; and be it further

Resolved, That a copy of this Resolution be forwarded to the Chairman of the State Board of Control for his advice and guidance.

The resolution was read and was

referred to the Committee on State Affairs.

Report of Standing Committee

Senator Fly submitted the following report:

Austin, Texas,
July 8, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 28, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FLY, Chairman.

Senate Bill 28 Ordered Not Printed

On motion of Senator Herring and by unanimous consent S. B. No. 28 was ordered not printed.

Senate Bills on First Reading

By unanimous consent the following bills were introduced, read first time and referred to the committee indicated:

By Senators Aikin and Martin:

S. B. No. 38, A bill to be entitled "An Act providing for the incorporation of Dental Health Service Corporations; Adding an exception to the Dental Practice Act; and providing for severance, repealing, and emergency clauses."

To the Committee on Public Health.

By Senator Lane:

S. B. No. 39, A bill to be entitled "An Act making it a penal offense to drive and operate a motor vehicle within three (3) hours after imbibing intoxicating liquor; and declaring an emergency."

To the Committee on State Affairs.

Report of Standing Committee

Senator Colson by unanimous consent submitted the following report:

Austin, Texas,
July 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 38, have had the same under consideration, and we are instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Senate Bill 38 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent S. B. No. 38 was ordered not printed.

Senate Concurrent Resolution 6 Re-referred

On motion of Senator Martin and by unanimous consent S. C. R. No. 6 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

Message from the House

Hall of the House of Representatives
Austin, Texas,
July 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 5, A bill to be entitled "An Act to amend H. B. No. 155, Chapter 49 of the First Called Session of the 53rd Legislature to provide for the exchange of benches in the three County Criminal Courts of Dallas County, Texas; and declaring an emergency."

S. B. No. 19, A bill to be entitled "An Act to diminish the civil jurisdiction of the county courts of the counties of Sabine and San Augustine, Texas, and conform the jurisdiction of the First Judicial District Court to such change; to preserve the jurisdiction and power of the County Courts of the counties of Sabine and San Augustine over certain final judgments rendered prior to the passage of this act; to require the County Clerks of the counties of Sabine and San Augustine to transmit all papers in pending civil cases to the District Court; and to continue in effect the filing date of papers previously filed in the County Courts in said pending cases; to repeal all laws in conflict herewith; and to declare an emergency."

S. B. No. 27, A bill to be entitled "An Act authorizing the deposit to

local funds of the Texas Agricultural Experiment Station to the credit of Substation No. 2, Smith County, to be expended for the restoration, operation and improvement of said Substation No. 2, the monetary consideration received by the Board of Directors of the Agricultural and Mechanical College of Texas for the transfer to the State Highway Commission, the use of, and jurisdiction over, 39.09 acres of land, transferred pursuant to authority of Chapter 300, Acts 55th Legislature, Regular Session, 1957, and declaring an emergency."

H. B. No. 41, A bill to be entitled "An Act granting certain common school district and certain common consolidated school districts the power to levy an annual ad valorem tax for the maintenance of the schools therein and for the purpose of purchasing, constructing, repairing or equipping public school buildings within the limits of such free school districts, providing the procedure for such action, and declaring an emergency."

S. B. No. 15, A bill to be entitled "An Act amending Section 1 of Chapter 283, Acts of the 51st Legislature, Regular Session, 1949, so as to provide that the Juvenile Board in any county having a population of Eight Hundred and Six Thousand (806,000) or more according to the last preceding Federal Census, may designate one or more District Courts or Courts of Domestic Relations or the County Court or any combination thereof as Juvenile Courts of such county; and declaring an emergency."

S. B. No. 21, A bill to be entitled "An Act authorizing the board of directors of any water improvement district, water control and improvement district or irrigation district, in its discretion, to contract in writing in advance to waive any immunity of such district from liability for torts or negligence of agents of such district in certain cases and circumstances; and declaring an emergency."

S. B. No. 18, A bill to be entitled "An Act validating the disannexation or discontinuance of territory of all cities and towns of five thousand (5,000) inhabitants or less, heretofore disannexed or discontinued or attempted to be disannexed or discon-

tinued and validating ordinances and other municipal or governmental proceedings relating thereto; validating ordinances and proceedings revoking previous ordinances and proceedings of annexation; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the disannexation or discontinuance of territory; and declaring an emergency."

S. B. No. 22, A bill to be entitled "An Act amending sub-sections (c), (d), (e), (h), and (i) of Article 908, of the Penal Code of Texas, 1925, as amended, relating to hunting on game preserves for pay; and declaring an emergency."

(With amendments.)

The House has concurred in Senate amendments to House Bill No. 59 by viva voce vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
July 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. C. R. No. 6, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senate Concurrent Resolution 6 Ordered Not Printed

On motion of Senator Martin and by unanimous consent S. C. R. No. 6 was ordered not printed.

House Bill 48 Re-referred

On motion of Senator Lane and by unanimous consent H. B. No. 48 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on State Affairs.

House Bill 38 Re-referred

On motion of Senator Baker and by unanimous consent H. B. No. 38 was withdrawn from the Committee

on Jurisprudence and re-referred to the Committee on State Affairs.

Senate Resolution 57

Senator Moffett offered the following resolution:

S. R. No. 57, Relating to certain important legislation, known as the "Smith Bill," recently passed by the House of Representatives of the United States Congress.

Whereas, In recent years, many thinking people in this Nation have become increasingly apprehensive concerning various decisions of the United States Supreme Court which have held in substance that Federal laws override and entirely replace State laws on certain subjects; and

Whereas, Many careful observers believe that through such decisions the Supreme Court has encroached upon the powers and prerogatives of the Congress by tending to usurp the lawmaking functions intended to be exercised by the Legislative Branch of the Government by the Constitution of the United States; and

Whereas, The Supreme Court itself has indicated that it is "often a perplexing question" whether Congress intended to pre-empt in a particular field (Rice vs. Santa Fe Elevator Company, 331 US 218), and has suggested that there should be better indications of Congressional intent; and

Whereas, One June 24, 1959, the House of Representatives of the 86th Congress, First Session, has approved House Resolution No. 3 by a vote of 225 to 192, also called the Smith Act; and

Whereas, Said Act, among other things, provides that

"... no Act of Congress shall be construed as indicating an intent on the part of Congress to occupy the fields in which such Act operates, to the exclusion of all State laws on this same subject matter, unless such Act contains an expressed provision to that effect and unless there is a direct and positive conflict between such Act and a State law, so that the two can not be reconciled or consistently stand together;" and

Whereas, The final enactment of the Smith Act (House Resolution No. 3) by the 86th Congress will be a reaffirmation of the fundamental principle that the United States is a nation of dual sovereignty and that the rights of the states will continue to be recognized as intended by the

framers of the Constitution of the United States; and

Whereas, It is the sense of the Senate of the 56th Legislature that it would be in the best interest of the United States and the sovereign States that House Resolution No. 3 be enacted to provide a proper guide for judicial interpretation of existing and future enactments; and

Whereas, The members of the Texas Delegation, save one, voted for the Smith Bill (House Resolution No. 3); now, therefore, be it

Resolved, That the Senate of the Fifty-sixth Legislature of the State of Texas, commends the United States House of Representatives in general, and the Texas Congressmen who voted for the measure in particular, upon their action in bringing about the passage of the above-mentioned significant and desirable legislation; and be it further

Resolved, That the Senate of the Fifty-sixth Legislature respectfully urge United States Senators Lyndon Johnson and Ralph Yarborough to give this bill their approval and full support when it comes before the United States Senate; and be it further

Resolved, That a copy of this Resolution be sent to each member of the Texas Delegation in the United States Congress as an expression of the sentiment of the Senate of the Fifty-sixth Texas Legislature.

The resolution was read.

On motion of Senator Moffett and by unanimous consent the resolution was considered immediately and was adopted.

Record of Vote

Senator Gonzalez asked to be recorded as voting "Nay" on the adoption of the above resolution.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the committee indicated:

H. B. No. 41, To the Committee on Counties, Cities and Towns.

Senate Bills on First Reading

By unanimous consent the following bills were introduced, read first time and referred to the committee indicated:

By Senators Willis and Owen:

S. B. No. 40, A bill to be entitled

"An Act relating to the licensing and regulation of lenders engaged in the businesses of lending in amounts of less than \$100 and \$100 to \$3,000 inclusive; amending Section 3, Chapter 472, Acts of the 52nd Legislature, Regular Session, 1951; repealing Sections 2(a), 2(b), 2(c), Chapter 472, Acts of the 52nd Legislature, Regular Session, 1951, and Section 14, Article 7047, Revised Civil Statutes of Texas, 1925, and Section 15, Article 7047, Revised Civil Statutes of Texas, 1925, as last amended by Section 1, Chapter 212, Acts of the 42nd Legislature, Regular Session, 1931, and Chapter 17, Acts of the 40th Legislature, First Called Session, 1927, as last amended by Chapter 195, Acts of the 49th Legislature, Regular Session, 1945; providing an effective date; providing for severability; and declaring an emergency."

To the Committee on Banking.

By Senators Gonzalez and Willis:

S. B. No. 41, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 193, Chapter 27, Acts of the 56th Legislature, Regular Session, 1959, relating to the compensation of official shorthand reporters of each judicial district civil or criminal, and the official shorthand reporters of each county court at law, civil or criminal in any county having a population of not less than three hundred sixty thousand (360,000) nor more than six hundred twelve thousand (612,000) inhabitants, according to the last preceding Federal Census; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Concurrent Resolution 6 on Second Reading

On motion of Senator Martin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 6, Relating to availability of space in East and West Wings of Capitol for use of the Senate and the House of Representatives.

The resolution was read and was adopted.

Reports of Standing Committee

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
July 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was referred S. B. No. 41, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Austin, Texas,
July 9, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Cities, Counties and Towns, to whom was referred H. B. No. 41, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Senate Resolution 58

Senator Dies offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mrs. Dale Culwell of Lufkin, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas and that she be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Dies by unanimous consent presented Mrs. Culwell to the Members of the Senate.

Senate Resolution 59

Senator Hazlewood offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. E. A. Baker and Mr. Holly Green of Amarillo, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be

recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Hazlewood by unanimous consent presented the guests to the Members of the Senate.

House Bill 41 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 41 was ordered not printed.

House Bill 49 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 49, Entering into the Southern Interstate Nuclear Compact; setting out the text of the Southern Interstate Nuclear Compact; providing for the designation of this State's member on the Board created thereby and setting out the duties of the Board Member; providing for the coordination of atomic functions and the establishment of an Advisory Committee; providing for supplementary agreements; providing for cooperation between the Board and the departments, agencies and officers of this State; and declaring an emergency.

The bill was read the second time.

On motion of Senator Parkhouse and by unanimous consent H. B. No. 49 was Laid on the Table Subject to Call.

Question—Shall H. B. No. 49 be passed to third reading?

Senate Bill 41 Ordered Not Printed

On motion of Senator Gonzalez and by unanimous consent S. B. No. 41 was ordered not printed.

Senate Bill 34 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 34, A bill to be entitled "An Act creating a conservation and

reclamation district under Article XVI, Section 59, of the Constitution comprising the territory contained within the Counties of Hansford and Ochiltree, to be known as 'Palo Duro River Authority of Texas,' for the purpose of providing a source of water supply for municipal, agricultural, irrigation, livestock raising, domestic, industrial, oil field flooding and mining uses, and processing and transporting the same; providing for a Board of Directors to govern said Authority; etc.; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill No. 34 by striking out Section 27 thereof, and substituting in lieu thereof the following:

"Section 27. The Authority may upon a favorable majority vote of the qualified property taxpaying electors of the Authority, voting at an election held within the boundaries of the Authority for that purpose, levy, assess and collect annual taxes to provide funds necessary to construct or acquire, maintain and operate dams, works, plants and facilities deemed essential or beneficial to the Authority and its purposes, and also when so authorized may levy, assess and collect annual taxes to provide funds adequate to defray the cost of the maintenance, operation and administration of the Authority. Elections for the levy of such taxes shall be ordered by the Board of Directors and shall be held and conducted in the manner provided by this law relating to elections for the authorization of bonds, except as hereafter in this section provided. All taxes levied by the Authority for any purpose shall constitute a lien on the property against which levied and shall not bar the enforcement or collection thereof.

For the purpose of holding the initial and any subsequent tax election, the Authority shall be divided into five (5) voting districts, to be comprised as follows:

(a) District One to be composed of the qualified property taxpaying electors resident within the city limits of the incorporated town of Perryton;

(b) District Two to be composed of the qualified property taxpaying elec-

tors resident within the city limits of the incorporated town of Gruver;

(c) District Three to be composed of the qualified property taxpaying electors resident within the city limits of the incorporated town of Spearman;

(d) District Four to be composed of the qualified property taxpaying electors resident within the rural area of Hansford County;

(e) District Five to be composed of the qualified property taxpaying electors resident within the rural area of Ochiltree County. No tax levied under any provision of this Act shall be applicable to residents of Districts One, Two, or Three unless said tax has received a favorable majority vote of the electors in Districts One, Two, and Three, considered as a group, so that the tax shall be applicable to the residents of all three said districts if it receives a favorable majority of the total vote cast in the three said districts, and regardless of the fact that it may fail to receive a favorable majority vote in either one or two of the individual districts. Likewise, no tax levied under any provision of this Act shall be applicable to residents of Districts Four or Five unless said tax has received a favorable majority vote of the electors in Districts Four and Five, considered as a group, so that the tax shall be applicable to the residents of both said districts if it receives a favorable majority vote of the total vote cast in both said districts, and regardless of the fact that it may fail to receive a favorable majority vote in one or the other of the two individual districts."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill 34, Section 28a by striking out the language "until assessments and tax rolls shall be made by the authority" and inserting a period in lieu thereof.

The amendment was adopted.

On motion of Senator Hazlewood and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 34 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 34 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Rogers

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 35 on Second Reading

On motion of Senator Crump and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 35, A bill to be entitled "An Act setting a bag limit on wild turkey in Kerr County; providing penalties for violations; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 35 on Third Reading

Senator Crump moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 35 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Rogers

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Rogers

Senate Bill 22 with House Amendments

Senator Moore called S. B. No. 22 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moore moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Resolution 60

Senator Fuller offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Mr. J. T. Hitt of Groves, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Fuller by unanimous consent presented Mr. Hitt to the Members of the Senate.

House Bill 41 on Second Reading

Senator Aikin moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 41 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Rogers

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 41, A bill to be entitled

"An Act granting certain common school district and certain common consolidated school districts the power to levy an annual ad valorem tax for the maintenance of the schools therein and for the purpose of purchasing, constructing, repairing or equipping public school buildings within the limits of such free school districts, providing the procedure for such action, and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 41 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 41 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Rogers

Senate Bill 28 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 28. A bill to be entitled "An Act amending House Bill No. 133, Acts of the 55th Legislature, Regular Session, 1957, by providing for a transfer of funds from one appropriation item to another for which moneys were appropriated to the

Board of Barber Examiners from the Board of Examiners Fund, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 28 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 28 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Hudson	Willis
Kazen	Wood
Krueger	

Nays—1

Parkhouse

Absent—Excused

Rogers

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Kazen
Baker	Krueger
Bradshaw	Lane
Colson	Martin
Crump	Moffett
Dies	Moore
Fly	Owen
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith

Weinert
Willis

Wood

Nays—1

Parkhouse

Absent—Excused

Rogers

Senate Bill 41 on Second Reading

Senator Gonzalez moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 41 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Nays—2

Hardeman

Parkhouse

Absent—Excused

Rogers

The Presiding Officer then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 41, A bill to be entitled "An Act amending Section 1 of Senate Bill No. 193, Chapter 27, Acts of the 56th Legislature, Regular Session, 1959, relating to the compensation of official shorthand reporters of each judicial district, civil or criminal, and the official shorthand reporters of each county court at law, civil or criminal, in any county having a population of not less than three hundred sixty thousand (360,000) nor nor more than six hundred twelve

thousand (612,000) inhabitants, according to the last preceding Federal Census; and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 41 to engrossment.

Senate Bill 41 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid S. B. No. 41 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Nays—2

Hardeman Parkhouse

Absent—Excused

Rogers

Senate Bill 38 on Second Reading

Senator Aikin moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 38 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Bradshaw
Baker	Colson

Crump	Moffett
Dies	Moore
Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Martin	Wood

Absent—Excused

Rogers

The Presiding Officer then laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 38, A bill to be entitled "An Act providing for the incorporation of Dental Health Service Corporations; adding an exception to the Dental Practice Act; and providing for severance, repealing, and emergency clauses."

The bill was read the second time.

Senator Lane offered the following amendment to the bill:

Amend S. B. 38 by adding another sentence at the end of Section 1, Subsection 2B, thereof, to read as follows:

"A corporation formed hereunder shall have not less than twelve (12) directors, nine (9) of whom shall be dentists licensed by the Texas State Board of Dental Examiners to practice dentistry in this State and be actively engaged in the practice of dentistry in this State."

The amendment was adopted.

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 38 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid S. B. No. 38 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Rogers

Executive Session

On motion of Senator Reagan and by unanimous consent, the Senate agreed to hold an Executive Session at 11:51 o'clock a.m. today.

Accordingly, the Presiding Officer directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the governor:

To be a member of the Board of Directors of Texas Agricultural and Mechanical College, for a six-year term to expire January 10, 1965: S. B. Whittenburg of Amarillo, Potter County.

To be members of the State Board of Dental Examiners, for six-year

terms to expire May 24, 1965: Dr. Sam H. Rabon of Kingsville, Kleberg County; Dr. Roy F. McCasland of Tulia, Swisher County.

To be Firemen's Pension Commissioner, for a two-year term to expire July 1, 1961: Mrs. Marie Hudson of Austin, Travis County.

To be Pecos River Compact Commissioner, for a two-year term to expire May 27, 1961: J. C. Wilson of Pecos, Reeves County.

To be members of the State Board of Pharmacy, for six-year terms to expire June 14, 1965: Leon L. Kahanek of Hallettsville, Lavaca County; William H. Wood of Midland, Midland County.

To be Commissioners of Pilots for the Port of Galveston and Texas City, for two-year terms to expire April 15, 1961: M. L. Waugh of Texas City, Galveston County; John H. McCray of Galveston, Galveston County; W. P. Tarpey, Jr., of Texas City, Galveston County; David C. Leavell of Galveston, Galveston County; A. V. Stjepceovich of Galveston, Galveston County.

To be a Rio Grande Compact Commissioner, for a two-year term to expire July 16, 1961: Louis A. Scott of El Paso, El Paso County.

To be Director-at-Large of the Tri-County Municipal Water District, for a two-year term to expire July 22, 1961: Dr. Silas Grant of Hillsboro, Hill County.

In Legislative Session

The Presiding Officer (Senator Hardeman in the Chair) called the Senate to order as In Legislative Session at 11:57 o'clock a.m. today.

Adjournment

On motion of Senator Fly the Senate at 11:58 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Frank Bernard Pinget

Senator Herring offered the following resolution:

(Senate Resolution 55)

Whereas, In the passing of Frank Bernard Pinget on the twenty-fourth day of June, 1959, the State of Texas suffered the loss of a dedicated public servant and outstanding citizen; and

Whereas, Mr. Pinget was a native son of the Lone Star State and spent his entire life in Austin, Texas, where he was born on May 17, 1894; and

Whereas, He was a communicant of St. Austin's Catholic Church, a member of Knights of Columbus Council No. 1017, of which he was past Grand Knight, Bishop Reicher Assembly of the Fourth Degree Knights of Columbus, of which he was past faithful Navigator, past president of St. Austin's Men's Club, and past president of Catholic Laymen's Retreat; and

Whereas, He served his country with distinction during World War I with the celebrated Rainbow Division, and was a member of the American Legion and the Veterans of Foreign Wars; and

Whereas, Mr. Pinget retired on June 1, 1959, after thirty-two years of faithful and efficient service with the Texas Highway Department, where he was equipment supervisor for District 14; and

Whereas, He was a deeply religious man whose life was exemplified by Christian living and service to his fellowman; and

Whereas, He is survived by his widow, Mrs. Viola Pinget; and one sister, Miss Louise Pinget, both of Austin; and

Whereas, It is the desire of the Senate of the State of Texas to honor the memory of this worthy citizen; now, therefore, be it

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Journal of the Senate be devoted to the recording of this resolution; and be it further

Resolved, That an enrolled copy of this resolution be sent to his wife and his sister as an expression of our sympathy.

The resolution was read and was adopted by a rising vote of the Senate.